



**ORIGINAL**

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. No. 04-CV-11838-PBS

LAYLA KIANI,

Plaintiff

VS.

BOSTON UNIVERSITY, ET AL,

Defendants

PARTIAL TRANSCRIPT OF  
HEARING OF THE SCHOOL OF LAW  
JUDICIAL COMMITTEE  
SEPTEMBER 12, 2003

(AUDIO CD-ROM TRANSCRIPTION)

1 PROFESSOR MACLIN: Okay,  
2 okay, this is the disciplinary hearing.  
3 This is September the 12th, on Friday  
4 afternoon at approximately 1:30 and we  
5 have the Chair of the Disciplinary  
6 Committee, Professor Tracey Maclin,  
7 along with the other panel members  
8 Professor Nancy Moore and Professor Mike  
9 Harper. Professor Bill Ryckman is  
10 representing the Dean. Arnie Rosenfeld  
11 is representing Miss Layla Kiani, if I  
12 am pronouncing that correctly, and  
13 Miss Kiani is here as well.

14 Professor Ryckman, I believe  
15 you are going to go first.

16 PROFESSOR RYCKMAN: Yes,  
17 thank you. This is... I think the  
18 record should show that the makeup of  
19 the committee consists as it does  
20 because Miss Kiani chose not to have a  
21 student member of the committee.

22 MR. ROSENFELD: That is  
23 correct.

24 MISS KIANI: That is

1 correct.

2 PROFESSOR RYCKMAN: What I  
3 propose to do is to take you through  
4 what I consider to be essentially a  
5 paper case. Pursuant to our rules I  
6 have distributed in advance of this  
7 hearing to the members of the committee  
8 as well as to Miss Kiani and her counsel  
9 the charges. This is what our rules  
10 provide and this is the way we have  
11 traditionally done it so in a sense I am  
12 introducing these into evidence so that  
13 it is understood that everyone concerned  
14 have the paper documents in advance. Of  
15 course the ex parte communication, the  
16 scheduling of the hearing and the  
17 merits, of course, is not discussed.

18 The organization here is I  
19 have given you each five volumes of  
20 materials, four of which relate directly  
21 to the charges and one as I'll discuss  
22 in a minute.

23 PROFESSOR MACLIN: Hold it,  
24 Professor Ryckman.

1 PROFESSOR HARPER: Did you  
2 get five?

3 PROFESSOR MOORE: I only got  
4 four.

5 PROFESSOR HARPER: I only  
6 got four.

7 PROFESSOR MACLIN: I have  
8 five. I don't know why there is not a  
9 fifth volume.

10 PROFESSOR RYCKMAN: Which  
11 one are you missing?

12 PROFESSOR HARPER: Apparent-  
13 ly Kull's.

14 PROFESSOR MOORE: Same with  
15 me.

16 PROFESSOR HARPER: I didn't  
17 see -- I was surprised about the Kull  
18 thing.

19 PROFESSOR MACLIN: I have  
20 Kull's and I gave out everything that I  
21 got from Linda Skinner who was in charge  
22 of organizing it. Do you have Volume V,  
23 Arnie?

24 MR. ROSENFELD: Yes, I do.

1 PROFESSOR MACLIN: Okay.

2 You can still...

3 PROFESSOR RYCKMAN: Let me  
4 propose that if it turns out that  
5 anything turns on the committee members  
6 not having advance access to Volume V  
7 then they can take that into account. I  
8 don't anticipate that there will be a  
9 problem with that. It was just by way  
10 of background.

11 But if it turns out that  
12 Mr. Rosenfeld thinks that's a problem,  
13 or if anybody else does, then that  
14 simply extends the period of  
15 deliberation when you take a look at it  
16 because technically speaking what you  
17 ought to be doing is reacting to my  
18 presentation of what's in the materials  
19 you have received.

20 PROFESSOR HARPER: I am  
21 going to switch positions so that Nancy  
22 and I, Professor Moore and I can look at  
23 Five together.

24 PROFESSOR MACLIN: I remind

1 everybody to keep their voices up so  
2 that the recording can pick up all of  
3 our voices. Go ahead, Professor.

4 PROFESSOR RYCKMAN: All  
5 right. The organization of this is that  
6 each volume is devoted to a different  
7 paper, although the first volume  
8 contains all of the charges which are  
9 individually renewed in the succeeding  
10 volumes only with respect to the paper.  
11 And I want to just briefly go through  
12 these materials commenting on why some  
13 of them are included. In Volume I  
14 obviously we start with the charges.  
15 That's Tab 1. In Volume II -- in Tab 2  
16 I have reprinted the disciplinary  
17 regulations of the School of Law which  
18 were also forwarded to defense counsel.

19 MR. ROSENFELD: Can I  
20 interrupt one second. I don't know if  
21 you want to bring the... but you did  
22 amend the charge on Count II.

23 PROFESSOR RYCKMAN: Yes, and  
24 I'll get to that.

1 MR. ROSENFELD: I thought  
2 you were doing it --

3 PROFESSOR RYCKMAN: No, I'll  
4 get to it when I get to Count II and  
5 explain. In the disciplinary  
6 regulations, we have a definition of  
7 plagiarism which you are all familiar  
8 with that is in Article II,  
9 Subsection 1.E. I also want to comment  
10 that in Article IV of the disciplinary  
11 regulations one of the tasks of the  
12 person appointed by the Dean, and I am  
13 the Dean's designate for disciplinary  
14 matters, is to discuss the matter with  
15 the student if the student chooses to  
16 have that happen.

17 Obviously the student has a  
18 right to remain silent and on advice of  
19 counsel I was informed that Miss Kiani  
20 did not wish to be interviewed by me.  
21 That is why these materials don't  
22 contain a transcript of that interview  
23 which is customary and I am sure you  
24 have seen before in prior cases.

1                   The next tab, 3, is the  
2                   Association of Legal Writing Directors  
3                   Citation Manual. This citation manual  
4                   is required reading for all Boston  
5                   University students as part of the First  
6                   Year Writing Program, and particularly I  
7                   direct your attention to Section 48  
8                   which deals with how you deal with  
9                   quotations.

10                   [End of requested excerpt.]

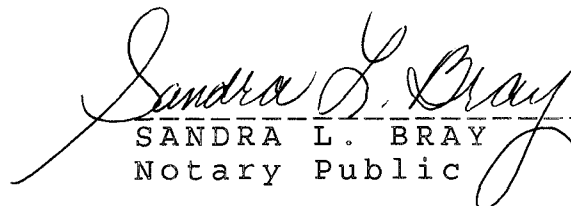


C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF SUFFOLK )

I, Sandra L. Bray, a Certified Shorthand Reporter (CSR No. 103593) and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and correct transcript of the first six (6) minutes fifty-one (51) seconds of the audio CD-Rom labeled "Partial Transcript of Hearing of the School of Law Judicial Committee, September 12, 2003" presented to me by Lawrence S. Elswit, Esq., Boston University, for transcription, to the best of my skill and ability.

Subscribed and sworn to this 14th day of September, 2004.

  
SANDRA L. BRAY  
Notary Public

My Commission expires:  
August 18, 2011.